

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

Melissa LaVee Smith,)	
)	
Plaintiff,)	Civil Action No. 5:15-4195-RMG
)	
vs.)	
)	
Nancy A. Berryhill, Acting Commissioner)	ORDER
of Social Security,)	
)	
Defendant.)	
)	
)	

This matter comes before the Court for judicial review of the final decision of the Commissioner of Social Security denying Plaintiff's application for Disability Insurance Benefits ("DIB"). In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to the United States Magistrate Judge for pretrial handling. The Magistrate Judge issued a Report and Recommendation (R & R) on January 24, 2017, recommending that the decision of the Commissioner be reversed and remanded to the agency because of the failure of the Administrative Law Judge (ALJ) to address Plaintiff's ability to maintain sustained concentration over an eight hour workday. The Magistrate Judge further recommended that the Court rule for the Commissioner regarding Plaintiff's claims that the ALJ failed to provide proper weight to Plaintiff's 100% VA disability rating and to weigh the opinions of Plaintiff's treating physicians in accord with the standards set forth in 20 C.F.R. § 404.1527(c). (Dkt. No. 13). Neither party filed objections to the R & R.

The Court has reviewed the R & R and the record evidence and finds that the Magistrate

Judge has ably addressed the factual and legal issues in this matter. Therefore, the Court **ADOPTS** the Report and Recommendation as the order of this Court, **REVERSES** the decision of the Commissioner pursuant to Sentence Four of 42 U.S.C. § 405(g), and **REMANDS** the matter to the Commissioner for further proceedings consistent with this order.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. M. Gergel', written over a horizontal line.

Richard Mark Gergel
United States District Judge

Charleston, South Carolina
February 8, 2017